

"Strawman" Starter Suggestions from Rep. Williams for FoWC study:

Topic	Description
Mandatory water commissioner training	Evaluate whether need to phase in, and whether "advanced" training or listserv would be beneficial
Transition to Regional water judges	Water judges would have jurisdiction over water user disputes and appeals of DNRC water-related decisions. Regions would be those already identified in statute. Masters would be assigned to the water judges. Need election protocol for one District judge to be water judge. Ten-year transition period with water masters becoming available to District judges in near-term. Evaluate whether some District Court responsibilities can be removed for judge willing to be water judge.
Consistent Water Delivery Reporting	If not already in statute, require consistent elements and format for commissioner record-keeping.
Long-term Data improvements	(Phase in?) a requirement that water commissioners submit water delivery information to the DNRC. Consider requiring irrigation district distribution records be submitted to the DNRC. Would help improve accuracy of database. Tax incentive for measuring devices for individuals?
Eliminate water commissioner bonding requirement	Because water commissioners don't deliver water if a diversion work wasn't working properly, bonding requirement may be eliminated. Replace with general liability requirement if can't be attached to gov't entity?
Evaluate water commissioner need for liability protection	Determine scale of risk. If eliminate bonding requirement, could afford/need general liability insurance?
Water judge training	Training would be required of new regional water judges.
Water right ownership updates	Explore options. Collaborative discussions are occurring between title companies, Clerks, and DNRC. June or July recommendation expected.
Clarify standard for petitions for water commissioner (85-5-101, MCA)	After hear legislative history, evaluate pros/cons of clarifying that "15% of water rights" is 15% of the number of water rights – not 15 percent of the amount of water.
More coordination between	Allow DNRC and Water Court to include

WATER POLICY INTERIM
COMMITTEE 2015-16

adjudication and change process	informational note of post-1973 water uses found during the adjudication process (without penalty to user) to encourage more smooth change process.
Enforceable decrees	Decrees should be enforceable when all issue remarks are resolved and objections are withdrawn, stipulated to, or have been ruled upon.

Suggestions from Rep. Zach Brown for FoWC study

Topic	Description
Clarify intent of "15% of water rights"	In 85-1-101, MCA
Clarify when a decree is enforceable	Explore options and make chosen option uniform throughout MCA
Require water commissioner training	
Require consistent reporting by water commissioners	Explore electronic input options, such as downloadable apps for tablets or smart phones.
Clarify administration of water rights when river basin boundaries include multiple district court jurisdictions	A long-term issue to create elected regional Water Court judges. A short-term issue to appoint water masters to add expertise to district courts.